THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO: 3541 of 2005

DATED:27.07.2005

Between:

B. Prabhakar, S/o. B. Ramulu,

Aged 27 years, H.No.3-4-1080/8,

Kachiguda, Hyderabad.

……PETITIONER

AND

Bank of India, Zonal Office,

Personal Department, PTI Building,

II floor, AC guards, Hyderabad, rep. By

Its Zonal Officer/Zonal Manager.

……RESPONDENT

THE HON'BLE MR JUSTICE S. ANANDA REDDY

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ORDER

This Writ Petition is filed by the petitioner aggrieved by the action of the respondent in not allowing him to appear for the interview along with the candidates sponsored by the employment exchange, on the premise that the petitioner's name was not sponsored by the employment exchange, and therefore, sought for appropriate directions to the respondent-Bank to allow the petitioner to appear for the interview and consider his case for being appointed to the post of Safai Karmachary-cum-Sepoy Messenger/Sweeper without insisting that the petitioner's name be sponsored by the employment exchange.

It is stated by the petitioner that in the month of December, 2004 the respondent-

Bank sent a requisition letter to the Hyderabad District Employment Exchange to sponsor the names of the candidates, who passed VI Class with a view to fill up Class-VI unskilled posts, such as Safai Karmachary-cum-Sepoy Messengers/Sweepers. The said procedure proposed to be followed confining the candidates sponsored by the employment exchange for recruitment is contrary to the Judgment of the Apex Court reported in **EXCISE SUPDT.MALKAPATNAM V. K.B.N.VISWESWARA RAO** and also the instructions of Central Government, vide Memo, dated 18.5.1998. As the proposed procedure is without giving any paper publication calling for applications from the public among the suitable candidates, the petitioner has come up with the present writ petition seeking appropriate direction.

This Court ordered notice before admission on 25.2.2005 and though notice is served, none appeared on behalf of the respondent-Bank. In the circumstances, the writ petition is taken up for disposal at the stage of admission.

The only grievance of the writ petitioner is that the petitioner's name is not being considered for being interviewed for appointment in the Class-IV posts proposed to be filled up by the respondent-Bank. According to the petitioner, the said action of the respondent-Bank is illegal, without jurisdiction and contrary to the Judgment of the Apex Court, referred to above, wherein it was held that the public authorities, like the respondent-Bank, has not only to get the sponsored candidates from the employment exchange, but also to issue notification by way of paper publication calling for applications from the public among the eligible candidates, and if any eligible candidates have made applications, their cases have also to be considered.

Under the above circumstances, the writ petition is disposed of directing the respondent-Bank to consider the case of the petitioner along with the employment exchange sponsored candidates if the interviews have not already been conducted. No costs.

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S. ANANDA REDDY,J

27th JULY, 2005

tsr.